



Senate

General Assembly

File No. 445

January Session, 2003

Substitute Senate Bill No. 894

Senate, April 17, 2003

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MINIMUM ENERGY EFFICIENCY STANDARDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16a-48 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) As used in this section:

4 (1) "Commissioner" means the Commissioner of Consumer
5 Protection;

6 (2) "Fluorescent lamp ballast" or "ballast" means a device designed
7 to operate fluorescent lamps by providing a starting voltage and
8 current and limiting the current during normal operation, but does not
9 include such devices that have a dimming capability or are intended
10 for use in ambient temperatures of zero degrees Fahrenheit or less or
11 have a power factor of less than sixty-one hundredths for a single

12 F40T12 lamp;

13 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a
14 nominal forty-watt lamp, with a forty-eight-inch tube length and one
15 and one-half inches in diameter;

16 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a
17 nominal seventy-five-watt lamp with a ninety-six-inch tube length and
18 one and one-half inches in diameter;

19 (5) "Luminaire" means a complete lighting unit consisting of a
20 fluorescent lamp, or lamps, together with parts designed to distribute
21 the light, to position and protect such lamps, and to connect such
22 lamps to the power supply;

23 (6) ["New appliance"] "New product" means [an appliance] a
24 product that is sold, offered for sale, or installed for the first time and
25 specifically includes floor models and demonstration units;

26 (7) "Secretary" means the Secretary of the Office of Policy and
27 Management;

28 (8) "State Building Code" means the building code adopted
29 pursuant to section 29-252;

30 (9) "Torchiere lighting fixture" means a portable electric lighting
31 fixture with a reflector bowl giving light directed upward so as to give
32 indirect illumination;

33 (10) "Unit heater" means a self-contained fan-type heater that uses
34 natural gas, propane or fuel oil that is designed to be installed within
35 the heated space. "Unit heater" includes an apparatus or appliance to
36 supply heat, and a fan for circulating air over a heat exchange surface,
37 all enclosed in a common casing. "Unit heater" does not include "warm
38 air furnaces", as defined in the federal Energy Policy Act of 1992;

39 (11) "Transformer" means a device consisting of two or more coils of
40 insulated wire that transfers alternating current by electromagnetic

41 induction from one coil to another in order to change the original
42 voltage or current value;

43 (12) "Low-voltage dry-type transformer" means a transformer that:
44 (A) Has an input voltage of 600 volts or less; (B) is between 14 kilovolt-
45 amperes and 2,501 kilovolt-amperes in size; (C) is air-cooled; and (D)
46 does not use oil as a coolant. "Low-voltage dry-type transformer" does
47 not include such transformers excluded from the low-voltage dry-type
48 distribution transformer definition contained in the California Code of
49 Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance
50 Efficiency Regulations;

51 (13) "Pass-through cabinet" means a refrigerator or freezer with
52 hinged or sliding doors on both the front and rear of the refrigerator or
53 freezer;

54 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination
55 thereof, with hinged or sliding doors or lids;

56 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or
57 freezer with hinged or sliding doors that allows wheeled racks of
58 product to be rolled into or through the refrigerator or freezer;

59 (16) "Commercial refrigerators and freezers" means reach-in
60 cabinets, pass-through cabinets, roll-in cabinets and roll-through
61 cabinets that have less than eighty-five feet of capacity. "Commercial
62 refrigerators and freezers" does not include walk-in models or
63 consumer products regulated under the federal National Appliance
64 Energy Conservation Act of 1987;

65 (17) "Ceiling fan" means a nonportable device that is suspended
66 from a ceiling for circulating air via the rotation of fan blades;

67 (18) "Ceiling fan light kit" means the equipment used to provide
68 light from a ceiling fan, including integral equipment such that the
69 ceiling fan light kit is hardwired to the ceiling fan or attachable
70 equipment such that the light kit is not initially physically attached to
71 the fan;

72 (19) "Traffic signal module" means a standard eight-inch or twelve-
73 inch round traffic signal indication consisting of a light source, lens
74 and all parts necessary for operation and communicates movement
75 messages to drivers through red, amber and green colors;

76 (20) "Illuminated exit sign" means an internally illuminated sign that
77 is designed to be permanently fixed in place and used to identify an
78 exit. A light source illuminates the sign or letters from within, and the
79 background of the exit sign is not transparent;

80 (21) "Packaged air-conditioning equipment" means air-conditioning
81 equipment that is built as a package and shipped as a whole to end-
82 user sites;

83 (22) "Large packaged air-conditioning equipment" means packaged
84 air-conditioning equipment having not less than 240,000 BTUs per
85 hour of cooling capacity;

86 (23) "Commercial clothes washer" means a soft mount front-loading
87 or soft mount top-loading clothes washer that is designed for use in
88 (A) applications where the occupants of more than one household will
89 be using it, such as in multi-family housing common areas and coin
90 laundries; or (B) other commercial applications, if the clothes container
91 compartment is no greater than 3.5 cubic feet for horizontal-axis
92 clothes washers, or no greater than 4.0 cubic feet for vertical-axis
93 clothes washers.

94 (b) The provisions of this section apply to the testing, certification
95 and enforcement of efficiency standards for the following types of new
96 [appliances] products sold, offered for sale or installed in the state: (1)
97 [Fluorescent ballasts for F40T12 and F96T12 lamps; (2) luminaires with
98 fluorescent ballasts for F40T12 and F96T12 lamps; (3) showerheads]
99 Ceiling fans and ceiling fan light kits; (2) commercial clothes washers;
100 (3) commercial refrigerators and freezers; (4) illuminated exit signs; (5)
101 large packaged air-conditioning equipment; (6) low voltage dry-type
102 distribution transformers; (7) torchiere lighting fixtures; (8) traffic
103 signal modules; (9) unit heaters; and (10) any other products as may be

104 designated by the commissioner in accordance with subdivision (3) of
105 subsection (d) of this section.

106 (c) The provisions of this section do not apply to (1) new
107 [appliances] products manufactured in the state and sold outside the
108 state, (2) new [appliances] products manufactured outside the state
109 and sold at wholesale inside the state for final retail sale and
110 installation outside the state, (3) [appliances] products installed in
111 mobile manufactured homes at the time of construction, or (4)
112 [appliances] products designed expressly for installation and use in
113 recreational vehicles.

114 (d) (1) Not later than July 1, [1988] 2004, the secretary, in
115 consultation with the commissioner, shall adopt regulations, in
116 accordance with the provisions of chapter 54, [establishing] to
117 implement the provisions of this section and to establish minimum
118 energy efficiency standards for the types of new [appliances] products
119 set forth in subsection (b) of this section. [The regulations may provide
120 such efficiency standards for various categories and types of such new
121 appliances as the secretary shall determine and may establish new or
122 increased efficiency standards to become effective on and after January
123 1, 1990.] The regulations shall provide for the following minimum
124 energy efficiency standards: (A) Ceiling fans and ceiling light kits shall
125 meet the Tier 1 criteria of the version 1.1 product specification of the
126 "Energy Star Program Requirements for Residential Ceiling Fans"
127 developed by the United States Environmental Protection Agency; (B)
128 commercial clothes washers shall meet the requirements shown in
129 Table P-3 of section 1605.3 of the California Code of Regulations, Title
130 20: Division 2, Chapter 4, Article 4; (C) commercial refrigerators and
131 freezers shall meet the August 1, 2004, requirements shown in Table A-
132 6 of said California regulation; (D) illuminated exit signs shall meet the
133 version 2.0 product specification of the "Energy Star Program
134 Requirements for Exit Signs" developed by the United States
135 Environmental Protection Agency; (E) large packaged air-conditioning
136 equipment shall meet the Tier 2 efficiency levels of the "Minimum
137 Equipment Efficiencies for the Unitary Commercial Air Conditioners"

138 and "Minimum Equipment Efficiencies for Heat Pumps" developed by
139 the Consortium for Energy Efficiency that took effect on July 1, 2002;
140 (F) low voltage dry-type distribution transformers shall meet or exceed
141 the energy efficiency values shown in Table 4-2 of the National
142 Electrical Manufacturers Association Standard TP-1-2002; (G) torchiere
143 lighting fixtures shall not consume more than 190 watts and shall not
144 be capable of operating with lamps that total more than 190 watts; (H)
145 traffic signal modules shall meet the product specification of the
146 "Energy Star Program Requirements for Traffic Signals" developed by
147 the United States Environmental Protection Agency that took effect in
148 February, 2001, except where the secretary, in consultation with the
149 Commissioner of Transportation, determines that an energy star signal
150 module would compromise safe signal operation; (I) unit heaters shall
151 not have pilot lights and shall have either power venting or an
152 automatic flue damper.

153 (2) Such efficiency standards, where in conflict with the State
154 Building Code, shall take precedence over the standards contained in
155 the Building Code. [After July 1, 1988] Not later than July 1, 2006, and
156 biennially thereafter, the secretary, in consultation with the
157 commissioner, [may] shall review and increase the level of such
158 efficiency standards upon a determination that increased efficiency
159 standards would serve to promote energy conservation in the state and
160 would be cost-effective for consumers who purchase and use such new
161 [appliances] products, provided no such increased efficiency standards
162 shall become effective within one year following the adoption of any
163 amended regulations providing for such increased efficiency
164 standards. [The secretary, in consultation with the commissioner, may
165 adopt such further regulations as necessary to implement the
166 provisions of this section.]

167 (3) The secretary, in consultation with the commissioner, may adopt
168 regulations, in accordance with chapter 54, to designate additional
169 products to be subject to the provisions of this section and to establish
170 efficiency standards for such products.

171 (e) On or after July 1, [1988] 2005, no new [appliance] product of a
172 type set forth in subsection (b) of this section or designated by the
173 commissioner may be sold, offered for sale, or installed in the state
174 unless the energy efficiency of the new [appliance] product meets or
175 exceeds the efficiency standards set forth in such regulations adopted
176 pursuant to subsection (d) of this section.

177 (f) The commissioner, in consultation with the secretary, shall adopt
178 procedures for testing the energy efficiency of the new [appliances
179 covered by] products set forth in subsection (b) of this section or
180 designated by the commissioner if such procedures are not provided
181 for in the State Building Code. The commissioner shall use United
182 States Department of Energy approved test methods, or in the absence
183 of such test methods, other appropriate nationally recognized test
184 methods. The manufacturers of such [appliances] products shall cause
185 samples of such [appliances] products to be tested in accordance with
186 the test procedures adopted pursuant to this subsection or those
187 specified in the State Building Code.

188 (g) Manufacturers of new [appliances covered by] products set forth
189 in subsection (b) of this section or designated by the commissioner
190 shall certify to the commissioner that such [appliances] products are in
191 compliance with the provisions of this section. The commissioner, in
192 consultation with the secretary, shall promulgate regulations
193 governing the certification of such [appliances] products and shall
194 publish an annual list of such [appliances] products.

195 (h) The commissioner [shall] may cause periodic inspections to be
196 made of distributors or retailers of new [appliances covered by]
197 products set forth in subsection (b) of this section or designated by the
198 commissioner in order to determine compliance with the provisions of
199 this section. The commissioner shall cause investigations to be made of
200 complaints received concerning violations of this section and shall
201 report the results of such investigations to the Attorney General. The
202 Attorney General may institute proceedings to enforce the provisions
203 of this section. Any person who violates any provision of this section

204 shall be subject to a civil penalty of not more than two hundred fifty
205 dollars. Each violation of this section shall constitute a separate
206 offense, and each day that such violation continues shall constitute a
207 separate offense.

| | |
|--|---------------------|
| This act shall take effect as follows: | |
| Section 1 | <i>July 1, 2003</i> |

ET *Joint Favorable Subst. C/R*

GAE

GAE *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Type | FY 04 \$ | FY 05 \$ |
|----------------------------|---------------------|-----------------|-----------------|
| Consumer Protection, Dept. | GF - Potential Cost | None | \$76,195 |
| Attorney General | GF - Potential Cost | None | Potential |
| Policy & Mgmt., Off. | GF - None | None | None |

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill requires the Office of Policy and Management (OPM), in consultation with the Department of Consumer Protection (DCP), to adopt regulations establishing energy efficiency standards. By July 1, 2006 and biennially, thereafter, the OPM Secretary, in consultation with the DCP Commissioner, must review and increase the level of the efficiency standards upon determination that such efficiency standards are energy efficient and cost effective to consumers who purchase and use the new products. It also allows the DCP Commissioner to conduct periodic inspections of distributors or retailers to determine compliance with the provisions in the bill.

If the DCP Commissioner makes a determination and if the expectations are for the department to enforce the provisions in the bill, the department would need 1 Consumer Protection Inspector at an annual salary of \$47,568 as well as additional associated expenses totaling \$76,195 in FY 05. These costs include \$19,127 which represent 40.21% in fringe benefit costs. These costs are budgeted centrally in miscellaneous accounts administered by the Comptroller. The one-time Equipment cost of \$4,000 would be eliminated in FY 06.

If an additional regulatory position were to be added to DCP, the Attorney General might also incur a cost to hire an additional attorney.

OPM, in consultation with DCP, can adopt regulations without the need for an additional appropriation.

OLR Bill Analysis

sSB 894

AN ACT CONCERNING MINIMUM ENERGY EFFICIENCY STANDARDS**SUMMARY:**

This bill requires the Office of Policy and Management (OPM) secretary to establish, by regulation, energy efficiency standards for a variety of heating, cooling, lighting, and other types of products. The law already requires him to adopt standards for fluorescent ballasts and lamps and showerheads.

Under current law, showerheads and fluorescent lamps are subject to state energy efficiency standards, and products that do not meet these standards generally cannot be sold, offered for sale, or installed in the state. The bill subjects the products it covers, and additional products designated by the secretary, to these provisions starting July 1, 2005. It appears to waive the products already covered by efficiency standards from July 1, 2003 until July 1, 2005.

EFFECTIVE DATE: July 1, 2003

AFFECTED PRODUCTS

The bill requires the secretary to adopt standards for the products described in Table 1.

Table 1: Affected Products

| Product | Definition |
|----------------------------|---|
| Torchiere lighting fixture | Portable lamps with a bowl reflecting light upward for indirect illumination |
| Unit heater | Fan-type heater that (1) burns natural gas, propane, or fuel oil and (2) includes a heat source and a fan for circulating air over a heat exchange surface enclosed in a common casing but does not include warm air furnaces |

| | |
|---|--|
| Transformer | Device that has two or more coils of insulated wire designed to change the voltage or current value |
| Low-voltage dry-type transformer | Transformers that (1) have input voltage of up to 600 volts, (2) are between 14 and 2,501 kilovolt amperes in size, (3) are air, rather than oil-cooled, and (4) are included in relevant California regulations |
| Commercial refrigerators and freezers | Several types of products with less than 85 cubic feet of capacity, other than walk-in or consumer models regulated under federal law |
| Ceiling fans | Nonportable devices for circulating air |
| Ceiling fan light kits | Includes both hard-wired and attachable kits. |
| Traffic signal module | The light sources, lenses, and other parts needed for a standard eight- or 12-inch stoop light. |
| Illuminated exit sign | An internally illuminated sign designed to be permanently fixed in place, in which a light source illuminates the signs or letters |
| Large packaged air conditioning equipment | Packaged air conditioning units with at least 240,000 British Thermal Units of capacity |
| Commercial clothes washers | Soft mounted washers designed to serve more than one household in commercial applications |

STANDARDS

Under the bill, the OPM standards must at least meet the criteria specified in Table 2. The criteria were established under the “Energy Star” Program established by the U.S. Environmental Protection Agency, industry standards, and California state regulations.

Table 2: Minimum Energy Efficiency Standard

| <i>Product</i> | <i>Standard</i> |
|------------------------------------|---|
| Ceiling fans and fan lighting kits | Tier 1 criteria of version 1.1 of the Energy Star requirements for residential ceiling fans |
| Commercial clothes | Cal. Code of Regulations § 1605.3, Table P- |

| | |
|---|--|
| washers | 3 |
| Commercial refrigerators and freezers | Cal. Code of Regulations § 1605.3, Table A-6, as effective August 1, 2004 |
| Illuminated exit signs | Version 2.0 specifications of the Energy Star requirements |
| Large packaged air conditioning equipment | Air conditioner and heating pump standards developed by the Consortium for Energy Efficiency that took effect July 1, 2002 |
| Low voltage dry type transformers | National Electrical Manufacturers Association Standard TP-1-2002, Table 4-2 |
| Traffic signals | Energy Star requirements that took effect February 2001 |

The secretary, in consultation with the transportation commissioner, can waive the traffic signal standard if he finds that the use of an Energy Star signal module would compromise safe signal operations. The bill also requires that unit heaters not have pilot lights and have either power venting or an automatic flue damper. It requires that torchiere lighting fixtures use no more than 190 watts and be incapable of operating with higher wattage bulbs.

Under current law, the secretary can, in consultation with the public works commissioner, review and increase the standards if he determines that this would promote energy conservation and be cost-effective for consumers. The bill instead requires the secretary to review and increase the standards, subject to these conditions, by July 1, 2006 and every two years thereafter. It allows the secretary, in consultation with the commissioner to designate additional products and establish efficiency standards for them. It extends testing requirements required by current law to such products.

Under the bill, the commissioner can, rather than must, cause distributors and retailers to conduct periodic inspections of the affected products.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute Change of Reference

Yea 16 Nay 0

Government Administration and Elections Committee

Joint Favorable Report

Yea 16 Nay 0